



Landowner Responsibility for Constructed Conservation Systems with USDA Assistance

Alabama Guide Sheet No. AL 7



Purpose

The purpose of this guide is to help landowners understand their responsibility in all phases of conservation system construction, from planning and design, through construction and maintenance.

By the landowner understanding their role in the project and providing adequate time for each phase of the job, inconvenient and costly delays can be avoided.

Definitions

The landowner is ultimately responsible for the proper construction and maintenance of a conservation system.

“Landowner” as used here is the person responsible for making decisions for the property. In most cases, that is the owner, but it may be an operator or farm manager.

The technical agency is the Natural Resources Conservation Service (NRCS). The technical agency is responsible for inspecting and certifying that project plans and specifications are met.

Agency staff cannot train or serve as foreman for contractors.

The contractor is responsible for constructing the system according to design specifications, for quality control and safety.

During Planning

Landowner

- Identifies problems and management objectives.
- Checks utility locations.
- Assists with survey and site investigation, as needed.
- Identifies needed permits.
- Notifies state historical society, if needed.
- Selects from alternatives.
- Identifies and applies for cost-share, if desired.

Agency

- Inventories resources and identifies resource problems.
- Analyzes resource data.
- Alerts landowner to apparent wetlands, threatened and endangered species, archeological sites, and utilities.
- Formulates alternatives to protect resources and meet objectives of landowner.
- Evaluates alternatives.
- Develops plan for landowner's selected alternative.

- Conducts site investigations and surveys as needed.
- Informs landowner of operation and maintenance responsibilities

During Design

Landowner

- Is available for consultation.
- Follows up with historical society, if required.
- Obtains needed permits and easements.
- Identifies utilities and contacts utility company to locate buried utilities.
- Reviews design for agreement.
- Concurs in Operation and Maintenance Plan.

Contractor

May provide assistance for survey and site investigation.

Agency

- Surveys site, if needed.
- Designs system based on plan.
- Reviews design and specifications with landowner.
- Prepares cost estimates for construction.
- Develops Operation and Maintenance Plan.
- Develops Construction Quality Assurance Plan including staking, inspection, documentation, and certification.
- Provides agency approval.
- Informs landowner of safety responsibilities.

Note: These items may be provided by a consultant. If provided by a consultant, the design must meet NRCS standards and specifications and certified by the consultant.

During Construction

Landowner

- Is available for consultation and decision.
- Follows all federal/state/local laws, rules, and regulations.
- Hires contractors.
- Hosts pre-construction conference.
- Notifies utilities prior to construction activities.
- Notifies contractor of utility location.
- Notifies agency before starting construction.
- Authorizes contractor to begin work.

- Protects cultural and historical resources, as required.
- Assures compliance with design.
- Implements landowner part of Construction Quality Assurance Plan (QAP).

Contractor

- Participates in pre-construction conference.
- Observes and verifies located utilities.
- Works safely in accordance with OSHA requirements.
- Informs landowner of planned construction schedule.
- Obtains materials, equipment, and appropriately skilled people onsite, as scheduled.
- Implements contractor part of Construction QAP.
- May provide layout and construction check surveys.
- Uses materials specified in construction plan.
- Builds to specific dimensions, elevations, and workmanship.
- Documents construction materials used.
- Furnishes measurements and other needed information for certification of completion.

Agency

- Assists landowner with pre-construction conference.
- Implements agency part of Construction QAP.
- Informs landowner and contractor of results of inspections.
- Informs landowner of presence of unexpected conditions or unexpected cultural and historical resources.
- Assesses need for design changes and provides alternatives as appropriate.
- Certifies proper completion of construction.

Maintenance

Landowner

- Follows Operation and Maintenance Plan and updates it, as needed.
- Contacts agency for additional assistance, if needed.
- The landowner is ultimately responsible for the proper construction and maintenance of a conservation system.

Contractor

Provides warranties to landowner as agreed.

Agency

Follows up with Operation and Maintenance Plan, and periodically assists landowner to update plan.

Checklist for Owner

Before Construction

Have you:

- ☐ Reviewed the construction plans and specifications?
- ☐ Hired a backhoe to do soil investigation?
- ☐ Contacted utilities?
- ☐ Contacted the Alabama Line Location Center at 1-800-292-8525?
- ☐ Obtained all Federal, state and local permits?
- ☐ Obtained federal permits (404)?
- ☐ Checked with historical society?
- ☐ Considered impact on wetlands and drainage restrictions?
- ☐ Found a qualified contractor?
- ☐ Hosted a pre-construction conference?

During Construction

Have you:

- ☐ Overseen contractor's work?
- ☐ Started/stopped work as needed?
- ☐ Provided safe (OSHA) environment?
- ☐ Used only specified materials?
- ☐ Seen that every component has been completed?

After Construction

Have you:

- ☐ Followed Operation and Maintenance Plan?
- ☐ Contacted contractor for rework of components that do not meet requirements?

In Summary

The Landowner

- Makes planning decisions.
- Decides among design choices.
- Hires competent contractor.
- Meets plans and specifications.
- Makes payments.
- Acquires permits and adheres to permit requirements.
- Follows federal, state, and local laws, rules, and regulations.
- Satisfies archeological and wetland requirements.
- Contacts utilities.

The Contractor

- Is hired by the landowner.
- Supervises construction.
- Purchases and/or processes specified materials.
- Follows plan drawings and specifications.
- Is responsible for quality control and safety.
- Verifies compliance with construction requirements.
- Trains employees on job safety and health.
- Ensures safe, healthy conditions prevail at the construction site.

The Technical Agency

- Explains conservation practices and options.
- Provides design assistance.
- Prepares and/or approves construction plans and specifications prior to construction
- Prepares and/or approves QAP.

The Conservation System

- Is based on your conservation plan.
- May be needed for federal and state program requirements.
- Is based on the resource needs and your objectives.

For more information contact your local NRCS/SWCD office.

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